



School Administrators Alliance

Representing the Interests of Wisconsin School Children

TO: Senate Committee on Labor, Elections and Urban Affairs
FROM: John D. Forester, SAA Director of Government Relations
DATE: August 29, 2007
RE: Senate Bill 243 – Teacher Prep Time, Mandatory Subject of Bargaining

The School Administrators Alliance (SAA) strongly opposes Senate Bill 243, relating to requiring teacher prep time be a mandatory subject of bargaining. This proposal would diminish the ability of school districts to implement reforms and has the potential to be extremely costly for districts.

Under current law, employers are required to bargain only on those matters deemed mandatory subjects of bargaining (wages, hours and conditions of employment). Matters that are deemed to relate primarily to the management and direction of the municipal employer are permissive subjects of bargaining and the employer is not obligated to bargain such matters collectively. SB 243 would ensure that matters relating to teacher preparation time be treated as mandatory subjects of bargaining.

SB 243 would require districts to bargain collectively over how **any time** is spent during the school day, except that time spent directly with students. If enacted, the bill would:

- Severely limit the ability for school districts to make any changes in work assignments or class schedules, and to schedule professional development or other activities.
- Force educational policy decisions, such as class offerings, behind closed doors during bargaining without input from parents or the public.
- Require more staff to be hired to cover assignments.
- Have a huge impact on special education. It would drive up special education costs with the bargaining of IEP and M-Team meetings, and further complicate the already difficult process of scheduling these meetings.

Thank you for your consideration of our views. If you have questions regarding the SAA's opposition to SB 243, please contact me at 608-242-1370.

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An Alliance of:

Association of Wisconsin
School Administrators

Wisconsin Association of
School District Administrators

Wisconsin Association of
School Business Officials

Wisconsin Council for
Administrators of Special Services

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Testimony of Guy Costello, WEAC Vice-President Senate Committee on Labor, Elections and Urban Affairs

SB 243

September 28, 2007

My name is Guy Costello, and I am Vice-President of the Wisconsin Education Association Council (WEAC). I have taught at Lakeview Elementary School in South Milwaukee for the past 16 years. On behalf of WEAC and its 98,000 members, I appreciate the opportunity to testify before you today to express our strong support for Senate Bill 243, a 2007-2008 WEAC Legislative Agenda item.

I am submitting written testimony on behalf of my union, but I also want to share with you some of my personal experience that makes me feel very strongly in support of this crucial legislation.

As educators our job is to help children learn, grow, stretch their minds, gain new skills, and by doing so become better people and better prepared to contribute in a positive way to our communities, cities, and state. Study after study has shown that the best way to improve student learning is to put them in a classroom with a highly-qualified educator.

To be a top-notch educator in today's world, one needs years of higher education, annual and ongoing professional development to keep up with an ever-changing and challenging curriculum, the ability to captivate and hold an audience like a veteran stage entertainer, a bottomless well of energy, a firm, yet caring hand, deep rooted dedication, and the patience of a saint – or at least the patience of a state legislator forced to politely sit and listen to hours of public testimony.

But there is one more thing quality educators need to do their job well, and that is TIME.

The days are gone when a teacher or support professional can simply stand in front of a class, hand out a worksheet or workbook assignment and ask students to work quietly, while they go back to their desk and correct and grade papers.

As a 4th or 5th grade teacher for the last 16 years, I have consistently had children in my classroom with academic abilities that range from first to eighth grade. One size does not fit all. In fact one size fits no one. To be successful, to help children learn and grow, we must take them where they are and move ahead. Differentiated lessons and assignments are no longer just for reading groups but are needed in all areas of instruction. Hands-on, concept-based learning that helps students engage and stay focused is more important than ever in this era of cable TV, cell phones, video games, and instant messaging.

As any of you who have educators in your family know, we do spend hours on school work at home and on weekends, but it is still not enough to prepare the lessons and materials needed in the academically diverse and challenging classroom of today. Lessons often need set-up that can not be done before or after school. Let me give you some examples:

Mary Bell, President
Dan Burkhalter, Executive Director

- "Investigations" math unit: If we want to do meaningful, concept-based, instruction that is performance and research based, educators need preparation time for set-up. The "Investigations" curriculum for elementary math instruction is a perfect example of this. It is a very well thought through curriculum that is very hands on, but it is very difficult to use to its full potential if there is no or little preparation time. Set-up ends up taking place during valuable instruction time.
- Science: At a time when it is crucial that science instruction increase in the classroom to keep our students competitive with their international peers, instruction is often decreasing due to limited preparation time. Many outstanding hands-on, concept-based science programs exist, including one developed right here in Wisconsin and used by my district known as "Einstein" units. These units do a great job of teaching concepts and scientific principles in a way that hold children's attention and excite their interest in science, but they take a great deal of set-up time. Time we often do not have.
- Special education: Due to budget cuts and increasing numbers of special needs students, special education teachers and support professionals often have little or no preparation time. When students head to art or music class, instead of having preparation time, Special Education educators often move on to another classroom. This means that for the students that often demand the most attention and professional cooperation, there is little time to meet with colleagues to plan what is best to meet their needs.

Despite the value of teacher preparation time, it is becoming more difficult for teachers to find the time in the school day to prepare lesson plans and perform other duties important to effective teaching. This is especially true for elementary school teachers. Currently, most preparation time occurs when your students are in another class such as music, physical education or art. The pressures of revenue controls and declining enrollment are forcing many districts to make cuts in these special classes which cause valuable prep-time to be lost.

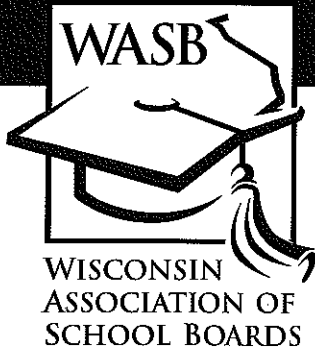
Let me give you an example. Recently the New London School District was forced to make cuts in their elementary media specialist positions. Currently, one media specialist covers all four elementary schools. This lead to the loss of a job for one of our members but it also lead to a loss of preparation time because students are with the media specialist ½ hour less per week. This is a cut that hurts three ways – the specialist who lost their job, the classroom teachers who lose preparation time, and the students of New London who have lost valuable instruction time.

Though many districts have made efforts to protect and expand preparation time, others are moving in the wrong direction. The Clintonville School Board has proposed reducing preparation time, and the School Board in Boyceville is attempting to remove existing prep-time language from their collective bargaining agreement. Making prep-time a mandatory subject of bargaining would ensure that this vital contribution to education quality continues to be negotiated.

To be effective and give children our best we also need time to meet with colleagues to discuss the best way to meet our students' needs and to make plans for team teaching, especially with our special needs students.

And we also can not underestimate the importance of simply having a brief time away from the continual demands of students for assistance and support to think, read, and study. What is working? What isn't? What should I try now? What ideas are already out there for how to teach air pressure and Bernoulli's principle (why airplane's fly). College professors get a week to prepare for 90 minutes of teaching. Some of my colleagues don't get 90 minutes of prep-time in a week. If we want to have the highest quality instruction in all our classrooms, that must change by making prep-time a mandatory subject of bargaining.

I strongly encourage you to express your commitment to quality education by supporting Senate Bill 243.



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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Labor, Elections and Urban Affairs
FROM: Dan Rossmiller, Legislative Services Director
DATE: August 28, 2007
RE: **Senate Bill 243**, relating to teacher preparation time as a mandatory subject of collective bargaining.

The Wisconsin Association of School Boards (WASB) strongly **opposes** Senate Bill 243, because it intrudes on fundamental management rights of school officials and would unnecessarily overturn more than 30 years of case law, including a decision by our state's highest court—the Wisconsin Supreme Court.

Senate Bill 243 attempts to create a new mandatory subject of collective bargaining for teachers and school districts. This bill would force school districts to bargain collectively with respect to preparation time (also called “prep time”)—a period during the school day when a teacher does not have assigned teaching responsibility.

Prep time is time—apart from pupil contact time—spent during the school day to do such things as to prepare lessons, labs, or educational materials, to grade school work, to confer or collaborate with other staff, to make phone calls to parents, to maintain student records, to order supplies, or to complete other administrative duties related to teaching. A teacher may also use that time as a break if he or she chooses to accomplish preparation tasks at times other than prep time.

The Municipal Employment Relations Act (MERA) defines and governs collective bargaining between teachers and school districts. The Legislature has charged the Wisconsin Employment Relations Commission (WERC) with the duty of administering MERA. The WERC's interpretations of what are permissive and mandatory subjects of bargaining under MERA are long-standing and firmly establish that teacher prep time is a permissive subject of bargaining.

The WERC first held that teacher prep time is a permissive subject of bargaining in 1974, and has repeatedly and consistently affirmed that decision. The Wisconsin Supreme Court affirmed the WERC's most recent interpretation that teacher prep time is a permissive subject of bargaining in a 2002 decision in *Dodgeland Education Association v. Wisconsin Employment Relations Commission*. This decision should be supported by the Legislature.

The Legislature defined collective bargaining under the MERA so as to specifically distinguish matters subject to bargaining (i.e., those that are mandatory) from those that are not (i.e., those that are permissive).

In doing so, the Legislature provided that a school district shall not be required to bargain on subjects reserved to management and direction of the district except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the teachers in a collective bargaining unit." (See s. 111.70(1) (a), Stats.) (Emphasis added.)¹

Discretion as to the assignment of duties to teachers during the teacher work day is a fundamental management right. The effect of negating this fundamental management right by adopting SB 243 could be to force districts to hire additional teaching staff, drop course offerings or build additional classroom space.

The amount of preparation time provided to teachers during the workday clearly and directly impacts on the management and direction of the district in terms of the ability of management, for example, to schedule meetings such as individualized educational program (IEP) team meetings for students with disabilities during the school day.

The amount of preparation time provided to teachers during the workday also directly impacts such fundamental educational policy issues as: (1) how many and what types of classes are offered to students; (2) how existing school buildings are used; and (3) how the student day is structured;

Senate Bill 243 is fiscally unwise. For many school districts facing space limitations, the financial or cost implications of this bill will be significant and will include more than just the potential cost of hiring additional teachers.

Currently, a school with more students than classroom space may deal with that problem on a short term basis, for example, by assigning teachers additional classes, thereby using each classroom for more hours of the day.

If the teachers are given the right to bargain over "prep" time, it will almost inevitably be argued that this right includes the right to prepare in his or her own office or in the teacher's classroom, which would render that classroom unusable for any other activity

¹ Where questions arise about what is reserved to the management and direction of the school district and what affects teachers' wages, hours and conditions of employment, the WERC and the courts have used a balancing test called the "primarily related" test to resolve them. Under this balancing test, if the employees' legitimate interest in wages, hours, and conditions of employment outweighs the employer's concerns about the restriction on managerial prerogatives or public policy, the proposal is a mandatory subject of bargaining. However, if the management and direction of the school system or the formulation of public policy predominates, the matter is not a mandatory subject of bargaining. Repeatedly and consistently, the WERC has used this balancing test and determined that prep time is a permissive subject of bargaining. The Supreme Court affirmed this result.

during that period. This would prevent schools from using those otherwise empty classrooms for classes, even if other teachers (i.e., those not assigned to prep time during that period) were doing the teaching.

Senate Bill 243 is also unnecessary, because while the duty to bargain does not require the school board to negotiate over issues that are *primarily related* to educational policy and management, when the school board makes a decision concerning educational policy or management, it does have a duty to bargain over the impact the decision has on employees' wages, hours and working conditions.

Thus, even though prep time is a permissive subject of bargaining, teachers already have the right to bargain over the impact of not receiving prep time under current law. The union can, for example, propose language in the collective bargaining agreement requiring that teachers receive compensation if a specified level of preparation time is not provided and bargain over this language.

There are other ways to handle this matter through the bargaining process short of forcing districts to bargain over prep time. For example, in order to avoid hiring additional teachers some school districts regularly assign teachers what are called "overloads." As a result of provisions bargained and agreed to in the collective bargaining agreement, the teachers with overloads are paid for the overloads. By voluntarily bargaining these sorts of arrangements, districts save money by avoiding the cost of health insurance for additional teachers and teachers receive additional compensation commensurate with the additional teaching work they perform.

Current law is sound public policy and sound fiscal policy. No change is needed. The WASB urges you to **oppose** Senate Bill 243.

Please feel free to contact Dan Rossmiller at 257-2622 or drossmiller@wasb.org if you have questions or need further information concerning this testimony.

**Testimony by Bob Peterson, 5th grade teacher, La Escuela Fratney
Milwaukee Public Schools
Senate Committee on Labor, Elections and Urban Affairs
SB 243**

August 28, 2007

Thank you for allowing me to testify on Senate Bill 243. I teach fifth grade in the Milwaukee Public Schools at La Escuela Fratney, an inner city bilingual school. I started teaching in MPS in 1980, twenty-seven years ago. Both my daughters are successful graduates of the Milwaukee Public Schools, despite the fact that they had to put up with me, their father, as their fifth grade teacher.

I'd like to tell you why I think you should pass Senate Bill 243.

When I first decided to be a teacher, I thought of becoming a middle or high school teacher, but I ultimately decided to be an elementary teacher. I thought that it was important to influence children when they are young, and I also thought it was important for there to be more males teaching our young children, many of whom unfortunately do not have father figures in their lives.

There is one thing that I don't like however. And that is the fact that elementary teachers, by and large, get significantly less planning and preparation time than most middle and high school teachers.

This has been a serious problem since I started teaching and in fact it's even worse today.

Let me explain.

When I decided to testify on this matter I looked through my files of previous testimony and I found that on November 19, 1984, I testified before the Milwaukee Board of School Directors on this subject -- asking that they provide more planning time for elementary teachers. What I said then, sadly, is even more true today.

I pointed out that the responsibilities of a typical elementary teacher are enormous and fit into broad categories of lesson and materials preparation, grading and assessment, paperwork, field trip planning, parent contact, extra duties, individual student counseling, student discipline, and planning with other staff members.

I mentioned preparation time -- I have 8 to 10 preps to do each day. What I mean by preps is the creation of specific lessons for specific groups of children. For example, it is common that I have to plan for 2 or 3 reading groups, 2 math groups, a social studies lesson, a writing lesson, a current events lesson, a spelling or grammar lesson, a science lesson, to say nothing of the corresponding homework assignments.

That was what it was like back when I started teaching. The difference now is that I also have to do more. Besides serving breakfast to the students -- which is great but time consuming, I teach anti-bullying lessons --also necessary--I teach growth and human development-- another necessary topic -- and I prepare for and teach music and physical education -- which is not so great and I resist the temptation of proving that to you by breaking into song. Unfortunately because of budget cuts (and I should add the chronic under-funding of the wonderful SAGE program) we have not had a gym or music teacher for the last five years at our school.

This means I have students virtually all day. I get to work well before students arrive and leave well after, but while they are there -- about 7 hours I have barely a break and it's not a healthy or sane way to run an educational institution. 9 AM to 3:45 the students are officially at school -- although some come early to work on projects and a few stay late. Besides a daily lunch break of 30 to 45 minutes -- which is reduced if I have recess or lunch room duty or if it is raining outside and the kids stay in my classroom -- I only get one 50 minute period of planning on each Tuesday -- that is assuming the art teacher is not sick or at an in-service. Only 50 minutes a week. When I started teaching I had three times that amount because then my fifth graders had gym and music as well.

That 50 minutes is not only an insult to me as a professional, but more importantly means that tasks and planning that should take place during the school day don't get done. It hurts our children, it hurts our school and it hurts our state.

I hope you understand that I am not whining about all the work we teachers have to do. I knew it was a lot of work when I started, and I although I could have become a principal or found work in the non-profit world or private sector, I like to teach and have stayed in the classroom. What I find most disheartening, however, is that these conditions and lack of planning time have made teaching so difficult that many, idealistic young teachers don't stay in the teaching ranks. It's as if we are on an exercise treadmill set permanently at a speed of six minute mile when we can only run a 10 or 11 minute mile.

I've probably talked too long about a subject that many think is a very minor problem in the vast wasteland of school politics. I am pleading with you to recognize that for classroom teachers and for their students this is a huge matter.

When I testified before the Milwaukee school board on this issue in 1984 they listened politely, but because it was a permissive issue of bargaining they did not have to resolve this important matter despite a desire by teachers and our union to deal with it. They school board refused to bargain the matter.

The bottom line is that we teachers should have the right to bargain this important issue with our local school authorities.

Please support Senate Bill 243.

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Memo

To: Members of the Senate Committee on Labor, Elections, and Urban Affairs

From: Wisconsin Education Association Council

Date: August 28, 2007

Re: Support for SB 243 relating to teacher preparation time

The Wisconsin Education Association strongly supports Senate Bill 243, a 2007-08 WEAC Legislative Agenda Item.

Our great schools depend on the effectiveness of our teachers. Prepared teachers are effective teachers. Senate Bill 243 would make teacher preparation time a mandatory subject of collective bargaining, giving teachers an opportunity to negotiate for time built into the scheduled workday to make them most effective in the classroom.

Research shows that teacher planning makes a significant difference in student learning. When teachers meet to share instructional strategies that work in their classrooms and together design standards-based unit plans and assessments, this time is an effective use of taxpayer dollars, making a difference for children.

Despite the value of teacher preparation time, it is becoming more difficult for teachers to find the time in the school day to prepare lesson plans and perform other duties important to effective teaching. This is especially true for elementary school teachers who are generally limited to preparation time during art, music and physical education. With school districts forced to layoff employees under the pressure of revenue caps, teacher time is stretched tight as teachers serve in multiple capacities to meet the educational needs of children.

Currently, between 60% and 70% of teacher contracts address preparation time in some manner. This means two things (1) many districts recognize the importance of preparation time, thus reinforcing the idea that it should be a mandatory subject of collective bargaining and (2) that between 60% and 70% of districts have staff that are vulnerable to losing preparation time as long as it remains a permissive subject of bargaining.

Making teacher preparation time a mandatory subject of collective bargaining will give teachers an opportunity to be part of the decision-making concerning a key strategy to boost student achievement and enrich the learning experience. For all of these reasons, please support SB 243.

If you have any questions, contact Deb Sybell, WEAC Legislative Program Coordinator, at (608) 298-2327.

Mary Bell, President

Dan Burkhalter, Executive Director

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